

REMARKS:

In the outstanding Office Action, the Examiner allowed claims 31-41, objected to claims 9, 21 and 25-29 and rejected claims 1-8, 10-20, 22-24, 44-59 and 61-64. Claims 30, 42 and 43 remain cancelled. No new matter is presented. Thus, claims 1-29, 31-41 and 44-64 are pending and under consideration. The rejections are traversed below.

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During an Examiner Interview subsequent to the Office Action mailed April 19, 2006, Applicants argued that the combination of U.S. Patent No. 6,446,114 (Bulfer) and U.S. Patent No. 6,233,318 (Picard) does not teach or suggest the interactive categorization of messages and retrieval of the messages according to a request by a recipient via the voice user interface. Claims 1, 13, 30, 42, 48, 49, 52 and 64 were amended as a result of the Examiner Interview.

In the Office Action mailed April 26, 2007, the Examiner allowed claims 1-29 and 44-64, objected to claim 36, and rejected claims 30-35 and 37-43 based on U.S. Patent No. 6,650,737 (Finnigan). In accordance with the Examiner's recommendation during an Interview after the Office Action of April 26, 2007, Applicants amended claims 31, 32, 34, 36, 40 and 41 and cancelled claims 30, 42 and 43.

Then, the Examiner issued an Office Action dated September 5, 2007, allowing claims 31-41 and 49-64, and rejecting claims 1-29 and 44-48 that were previously allowed in the April 26, 2007 Office Action, under § 112, first paragraph without any prior-art type rejections.

In the outstanding Office Action, the Examiner rejects previously allowed claims 1-8, 10-20, 22-24, 44-59 and 61-64 and objects to claims 9, 21, 25-29 and 60.

In the outstanding Office Action, allowance of claims 31-41 appears to be maintained (see Office Action Summary) but item 5 on page 4 indicates only 36-41 as allowed. Further, claims 9, 21, 25-29 and 60 are indicated as being objected to at item 6 of the Office Action, but only claims 9, 21 and 25-29 are indicated as being objected to on the Interview Summary. Applicants respectfully request the Examiner to clarify which of the previously allowed claims are still allowed, and which are now objected to or rejected.

Applicants respectfully point out that MPEP § 706.04 requires that great care be exercised in authorizing a rejection of previously allowed claims. In light of this and the inconsistency of the indication of the status of the claims, Applicants respectfully request reconsideration of the Examiner's rejection indicated in the outstanding Office Action.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1-8, 10-20, 22-24, 44-59 and 61-64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Finnigan in view of U.S. Patent Pub. No. 2006/0182055 (Coffee).

Finnigan does not teach or suggest "a voice controlled unit interactively categorizing the plurality of messages according to the at least two attributes", as recited for example in independent claim 1. See also independent claims 13, 48 and 52 reciting similar features.

Finnigan is entirely silent about user interaction, a user session over a telephone (via voice interface), and has no implication of changing the order in which messages are presented to the user. In contrast, the claimed invention allows a recipient of the messages to change "an order" of presentation during a phone interaction ("session").

Finnigan discusses a system in which two or more voice mail systems use voice message store and forward units to exchange messages using the AMIS protocols. The only information associated with a voice message (in the header) in Finnigan is to identify the recipient's system, not to enable "interactive categorization by a recipient via a voice interface", as taught by the claimed invention. In other words, Finnigan deals with labels attached to the message such as priority pertaining to delivery commitments of the store and forward service not interactive categorization by a recipient (see, "store and forward service 20" in Fig. 2).

Finnigan does not teach or suggest "inserting the newly-arrived message into the set" during a session and while the set of messages is selected for presentation to the user "only if the at least two attributes of the newly-arrived message correspond to attributes of the set using a telephone based voice user interface", as recited in claim 49.

In the Office Action mailed April 26, 2007, the Examiner cited col. 12, lines 4-8 of Finnigan as teaching "receiving a newly-arrived message during a session using a telephone based voice user interface." In fact, that is not what this section discusses. Rather, it discusses the fact that one voice mail system may receive a message from another voice mail system. It says nothing about "a session" nor does it say anything about "using a telephone based voice user interface."

Also in the Office Action mailed April 26, 2007, the Examiner cited col. 9, lines 10-23 of Finnigan as teaching presenting the newly arrived message to the recipient before the user ends the session based on a categorization order. However, this section has nothing to do with recipients, categorization order, or sessions. Rather, it describes a portion of the protocol for message exchange between two voice mail systems.

Independent claim 64 recites, "sorting the messages according to multiple attributes thereof, an addressee of the messages controlling a sort order of the messages without requiring the addressee to review said multiple attributes", where the sort order is requested by the addressee "using a telephone based voice user interface" as recited in claim 64. Finnigan does not teach or suggest "sorting messages" according to the sort order "requested by the addressee using a telephone based voice user interface", as recited in claim 64.

The Examiner cites col., 4, lines 48-54 of Finnigan as teaching "a voice controlled unit interactively categorizing the plurality of the messages." However, this section of Finnigan specifically states:

"Telephones 12 and 14 employ a conventional protocol E to communicate with respective voice message systems 16 and 18. Protocol E includes voice message information and dual-tone modulation frequency ("DTMF") command information that a user employs to control a particular voice message system. Protocol E typically varies from manufacturer to manufacturer of voice message systems."

As can be seen from the above discussion, col., 4, lines 48-54 of Finnigan simply states that a conventional voice mail system allows a user to interact with the system using touch tones. Finnigan does not mention anything about "interactively categorizing" messages as taught by the claimed invention. Notably, nothing else in Finnigan is about user interaction, much less user control of the order of presentation of messages, or even the system control of order of presentation.

Further, col. 9, line 23-35 of Finnigan simply continues discussion of the list of attributes of messages which could be exchanged by voice mail systems and mentions "delivery notification." However, Finnigan is silent about when or how the messages are presented to recipient(s) and only mentions a "return receipt" that a message was actually received. Finnigan does not disclose or teach that this is some technique of notifying the recipient of a newly arrived message, either with a session or outside of it.

As discussed above, claims 1, 13, 48, 49, 52 and 64 patentably distinguish over Finnigan. Further, as Coffee has nothing to do with voice, neither voice messages nor voice user interface, Coffee does not cure the deficiencies of Finnigan regarding the independent claims of the present application.

The Examiner cites to paragraphs 798-799 of Coffee as teaching categorizing into overlapping lists of messages as requested by a recipient of the plurality of messages and retrieving the messages according to an order requested by the recipient via a voice user interface.

However, paragraphs 798-799 of Coffee is about how the user of a graphical user interface can customize the set of pre-defined text messages which the customer may send to drivers (the recipients of the messages). In other words, the filtering is on the set of messages which could be sent, it is done *before* the messages are sent, and it is not done by the recipient of the message. See also Fig. 43 of Coffee indicating "customer's administrator" not a driver, the recipient of the message. See also Fig. 57a and 57b showing how these are done by the "administrator."

Moreover, Coffee is only directed to text messaging (see, paragraph 94 "customers' vehicles are outfitted with data computers that operate on a wireless network; paragraph 101 "Gateway 20 may utilize multiple types of wireless networks 15" i.e., systems for data communication not voice to mobile devices). See also, paragraph 351.

Further, even assuming *arguendo* that Coffee does disclose the features discussed by the Examiner, the Applicants respectfully submit that there is no motivation to combine the cited references. The Examiner simply states that it would be obvious "to modify the invention of Finnigan using the lists as taught by Coffee" (see, page 3 of the outstanding Office Action).

Even if Coffee were relevant, there is no explicit or implicit motivation to combine Coffee and Finnigan. In fact, all that Finnigan discusses is voice mail systems which store multiple attributes with each voice message and is silent regarding interactive categorization of messages via a voice interface, and Coffee relates to filtering a set of text messages before the messages are sent not by the recipient(s) of the message(s).

MPEP §2143.01 states that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. Therefore, as there is no requisite motivation to combine the references cited by the Examiner, the Applicants respectfully request the withdrawal of the Examiner's §103 rejections.

Even assuming a motivation to combine Finnigan and Coffee at the time of the invention, the resulting combination does not teach or suggest the claimed invention for the above-discussed reasons.

Claims depending from the independent claims include all of the features of that claim plus additional features which are not disclosed by the cited references.

Therefore, withdrawal of the rejection is respectfully requested.

ALLOWABLE AND ALLOWED SUBJECT MATTER:

At items 5 and 6 of the outstanding Office Action, the Examiner indicated claims 9, 21, 25-29 and 60 as being objected to, and claims 36-41 are allowed (see also above regarding inconsistency of indication of allowance of claims).

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: April 7, 2008

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